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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,325	12/01/2000	Charles C. Morehouse	10003484	1034

7590 07/31/2002

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O Box 272400
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EXAMINER

LEWIS, DAVID LEE

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/726,325

Applicant(s)
Morehouse

Examiner
David L Lewis

Art Unit
2673



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec 1, 2000
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 6) ☐ Other:

Title: Electronic Ink Ball Point Pen With Memory

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. **Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by O'Connor et al. (6188392).**
3. **As in claim 1, O'Connor et al. teaches of an electronic pen for recording motion data relating to use of the pen, comprising: a pen body, **figure 1 item 100**; a ball mounted in the pen body, **column 3 lines 60-67**; a sensor in the pen body, located proximate the ball, for detecting motion of the ball and converting the motion into corresponding electronic signals, **column 4 lines 25-40**; and a memory in the pen body, electronically coupled to the sensor, for receiving the electronic signals and storing corresponding data related to the motion, **figure 1 item 120, column 5 lines 1-12.****

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4. **As in claim 11, O'Connor et al. teaches of** a method for recording motion data relating to use of a pen having a pen body, a ball mounted in the pen body, a memory, and a sensor located proximate the ball, **column 3 lines 1-14, figure 1**, comprising: detecting motion of the ball using the sensor, **column 4 lines 25-40**; converting the motion into corresponding electronic signals, **column 4 lines 40-50**; receiving the electronic signals, **column 5 lines 55-67**; and storing in memory, based upon the electronic signals, corresponding data related to the motion, **column 5 lines 1-11, 55-67**.
5. **As in claims 2 and 12, O'Connor et al. teaches of** further including a removable ink cartridge, disposed with the pen body, for applying ink to the ball, column 3 lines 60-67. **As in claims 3 and 13, O'Connor et al. teaches further including** a port, located on the pen body and electronically coupled to the memory, for use in transferring the data from the memory to an external device, figure 1 item 102. **As in claims 4 and 14, O'Connor et al. teaches further including** a circuit, electronically coupled to the sensor and the memory, for sampling the sensor at a particular rate and controlling transmission of a sampled electronic signal from the sensor to the memory, column 4 lines 31-38, column 5 lines 56-61. **As in claims 5 and 15, O'Connor et al. teaches of further including** a module for receiving the data and for converting the data into a visual representation of the motion of the ball, column 2 lines 54-63, column 5 lines 1-12. **As in claims 6 and 16, O'Connor et al. teaches of further including** a module for storing the visual representation, figure 1 item 120, column

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2 lines 52-55, column 5 lines 57-63. **As in claims 7 and 17, O'Connor et al.** teaches of wherein the sensor includes dual sensors for detecting directions from which orthogonal ball motions can be reconstructed, , figure 2 items 112 and 113, column 5 lines 12-27. **As in claims 8 and 18, O'Connor et al.** teaches wherein the memory stores as the data coordinates representing the directions from which the orthogonal ball motions can be reconstructed, figure 2 items 112 and 113, column 5 lines 1-27. **As in claims 9 and 19, O'Connor et al.** teaches of wherein the memory stores an indication of a set of the motion data and a default location for a start of the corresponding motion, column 4 lines 41-67, column 5 lines 56-67, wherein said features are inherent to the device as well known in the art. **As in claim 10 and 20, O'Connor et al.** teaches wherein the memory comprises an atomic resolution storage memory, figure 1 item 120, column 2 lines 1-15, 52-55, wherein said memory is inclusive to all memory known in the art able to facilitate fine resolution memory as with atomic resolution storage.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 6130666, 6422775 B1, 6104388, 5434371, 5939702, 5861876, 5907130, 6353427 B1.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **David L. Lewis** whose telephone number is **(703) 306-3026**. The examiner can normally be reached on MT and THF from 8 to 5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala, can be reached on (703) 305-4938. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks


Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



BIPIN SHALWALA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600